

REMARKS

The Examiner's current position is that only RNA from graft tissue cells themselves -- as opposed to other cells which contain allogenic transplant tissue RNA -- is enabled.

Attached herewith is a declaration from Dr. Richard D. Granstein (Fourth Granstein Declaration).

Dr. Granstein stresses the significance of the mismatching of MHC class I and MHC class II molecules in transplantation rejections. Dr. Granstein also states that MHC class I and MHC class II antigens are encompassed by the term "transplant antigen", as used in the specification. (See also, Exhibit A of Response filed January 24, 2005, "Gene products of major histocompatibility complex [MHC] play a fundamental role in immune responses").

Dr. Granstein cites two publications in support of this premise ("Thorsby" and "Turner"), both of which refer to HLA, or Human Leukocyte Antigens (Exhibits A and B) instrumental role in transplant rejections. Applicants note that Human MHC is termed HLA (See Exhibit C, "Human MHC or HLA complex"). HLA is merely the more precise term for MHC, as applied to humans.

Dr. Granstein states his opinion that RNA from any tissue which includes RNA that expresses MHC class I and MHC class II molecules and that is syngeneic or isologous to the graft would be capable of inducing tolerance to the graft. Dr. Granstein also states that there is nothing inherent to graft tissue cells that would dictate that only RNA sourced from graft tissues cells, as opposed to other cell sources from which antigen RNA could be harvested. This further supports the remarks made on pages 6-7 of the Office Action, which stresses that it is the presence of RNA encoding MHC antigens (or allogenic transplant tissue antigens) that is key, not the cellular source of the MHC antigen RNA.

In support of this opinion, Dr. Granstein refers to experiments in which total cellular RNA from spleen lymphoid cells induced tolerance to allogenic skin grafts (See Third Granstein declaration). A copy of the Third Granstein declaration is re-submitted herewith.

Dated: January 31, 2005

Respectfully submitted,

By Jason C. Chumney
Jason C. Chumney
Registration No.: 54,781
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant